

Notice of Allowability

Application No.

09/900,843

Examiner

Brian J. Sines

Applicant(s)

NAYAR ET AL.

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed 2/10/2005.
2. ☒ The allowed claim(s) is/are 1,3-11,13-17,19,21,22 and 47-62.
3. ☒ The drawings filed on 7/5/2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Response to Arguments

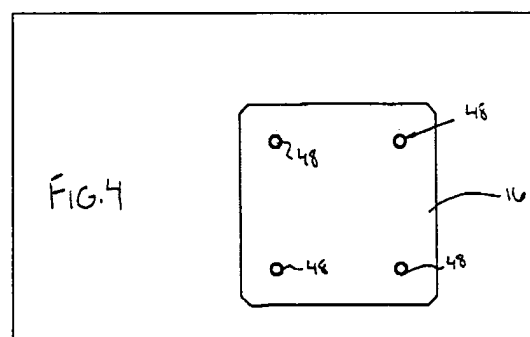
Applicant's arguments and amendments, filed 2/10/2005, have been fully considered and are persuasive. The rejections of the pending claims have been withdrawn.

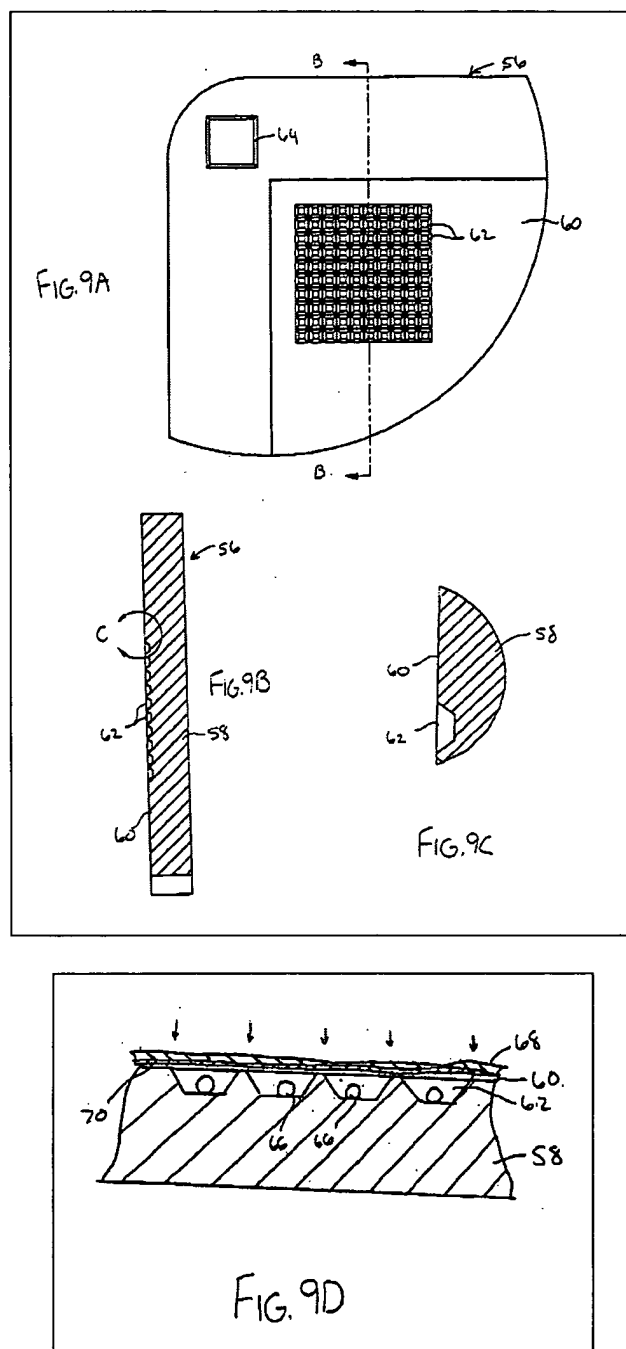
Allowable Subject Matter

Claims 1, 3 – 11, 13 – 17, 19, 21, 22 and 47 – 62 are allowed.

The following is an examiner's statement of reasons for allowance:

Cutler et al. (U.S. Pat. No. 6,309,889 B1) teach a housing support apparatus for performing assays, wherein the housing apparatus comprises a membrane (68) and an array of wells (62) (see col. 9, lines 19 – 59; figures 4, 9A, 9B, 9C & 9D). As shown in figures 1, 2 & 4, Cutler et al. further teach that the housing apparatus (10) comprising window (16) further comprises holes (48), which are provided with connectors (50) on one side of the apparatus, in order to facilitate the introduction either into or from the apparatus (10) (see col. 8, lines 29 – 39).

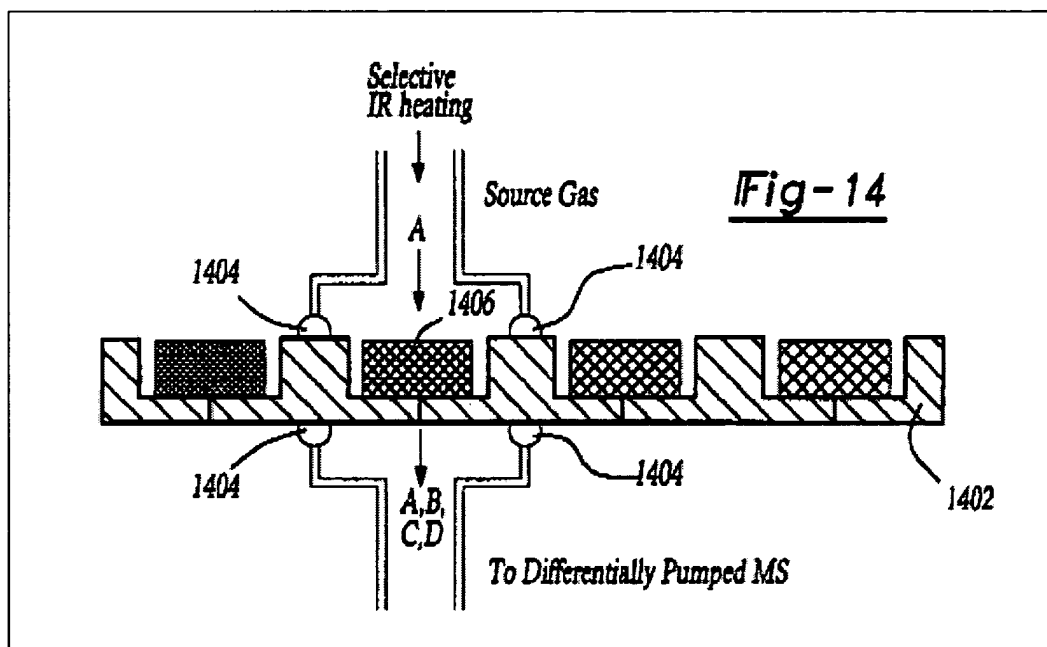




Weinberg et al. (U.S. Pat. No. 5,959,297 A) teach methods and devices for screening libraries of different materials (see col. 1, line 26 – col. 2, line 55). As shown in figure 14, Weinberg et al. teach a spatially controllable heating device, such as a scanning laser, for providing selective infrared heating in order to provide thermal control for each chemical

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compound library element individually (see col. 5, lines 35 – 55; col. 10, lines 46 – 64; col. 16, lines 12 – 34; col. 22, lines 5 – 23). Weinberg et al. further teach sequential heating (see col. 5, lines 35 – 51).



Regarding claim 1, the cited prior art neither teach nor fairly suggest the further incorporation within the apparatus taught by Cutler et al. in view of Weinberg et al.: a fluid permeable array support; a semipermeable membrane adjacent to the array support; a membrane support positioned within the cell adjacent to the semipermeable membrane; and a fluid inlet and a fluid outlet positioned on opposite sides of the combination of the array support and the semipermeable membrane.

Regarding claim 47, the cited prior art neither teach nor fairly suggest an apparatus for screening materials in an array, wherein the apparatus is comprising: a semipermeable membrane adjacent to the array support; a membrane support positioned within the cell adjacent to the

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semipermeable membrane in combination with a fluid inlet and one fluid outlet positioned on opposite sides of the combination of the array support and the semipermeable membrane.

Regarding claim 51, the cited prior art neither teach nor fairly suggest the further incorporation within the claimed apparatus for screening materials: a dispersion structure positioned between the fluid inlet and the array support; a semipermeable membrane adjacent the array support; and a fluid inlet and one fluid outlet positioned on opposite sides of the combination of the array support and the semipermeable membrane.

Regarding claim 56, the cited prior art neither teach nor fairly suggest the further incorporation within the claimed apparatus: a fluid inlet and one fluid outlet positioned on opposite sides of the combination of the array support and the semipermeable membrane; and a calibration port located between the fluid outlet and the detector.

Regarding claim 61, the cited prior art neither teach nor fairly suggest the further incorporation within the apparatus of Cutler et al. and Weinberg et al. a dispersion structure positioned between the fluid inlet and the array support.

Regarding claim 62, the cited prior art neither teach nor fairly suggest the further incorporation within the apparatus of Cutler et al. and Weinberg et al. a calibration port located between the fluid outlet and the detector.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Sines whose telephone number is (571) 272-1263. The examiner can normally be reached on Monday - Friday (11 AM - 8 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jill Warden
Supervisory Patent Examiner
Technology Center 1700